Application Serial No. 10/537,935   PATENT
Reply to Final Office Action of September 18, 2007   Docket No. CU-4238

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-17 and 19-31 are pending in the present application before this

amendment. By the present amendment, claims 1, 9, 26, and 28 have been amended.

No new matter has been added.

In this paper, the remarks/arguments are presented in the order of claim

numbering, beginning with the independent claim 1.

In the office action (page 25), **claims 1-6 and 31** stand rejected under 35 U.S.C.

§ 103(a) as being obvious over Goino in view of U.S. Patent App. Publ. No.

2002/0166849 A1 (Singh).

The applicants respectfully **disagree**.

Claim 1 has been amended solely for clarification purposes. The presently

claimed invention relates to a system and method for selling a predetermined search list

order display method and associated keywords to network information providers by way

of a tender system.

In a typical information search, a user can input a desired keyword in a search

window and receive a plurality of search listings. Conventional keyword selling systems

are conducted using only a first-come first-served selling system. This selling method

includes problems that are solved by the presently claimed invention (see specification,

background art for problems in the conventional art).

The presently claimed invention allows a network information provider to choose

from a variety of search listing display methods (e.g. the form of the display and the

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ranking of a search listing), and then bid on the network service providers desired search listing display method. For example, referring to FIG. 1a, a network service provider may choose from a variety of forms of display, including the keyword banner 210, the knowledge search result 220, the sponsor link 230, and the plus registration 240 (shown in FIG. 1b). The presently claimed invention also allows a network service provider to bid on a specific rank within the form of display. For example, the knowledge search shown in FIG. 1a provides 5 ranks to choose from. It is possible for a network service provider to bid on a specific rank along with bidding on the specific form (e.g. could bid on rank 3 within knowledge search). As such, in the presently claimed invention keyword goods are determined according to a combination of the keyword, the form of display, and the ranking of the search list order. Therefore, the second position in a knowledge search and a third position in a sponsor link can be individual goods that can be bid on individually.

Neither Goino nor Singh teaches or suggests, the present invention of claim 1, whether Goino or Singh is considered individually or in combination. In the present invention, claim 1 specifically recites:

> -- determining the lowest **limit** bidding price for each of a plurality of keywords, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword--

Neither Goino nor Singh teaches or suggests this element of claim 1. This

element includes determining the lowest **limit** at which a bid may be placed (i.e. determining a limit at which all bids from a network information provider must be higher than). When the lowest **limit** bidding price is determined, the tender for only a bidding price **over** the lowest limit bidding price can be performed (specification page 12, lines 22-25). Claim 1 also specifically recites that the lowest limit bidding priced is **determined** by one of a number of page views for each keyword (e.g. how often a page is viewed when a keyword is input), a basic unit price per one page view (e.g. a multiplication of page views by a basic unit price per page view), and a weight associated with a preference for the keyword. This **limit** is determined by one of the above described measurements, and then, as claim 1 recites, bidding prices are received which are —higher than or equal to the lowest **limit** bidding price—.

Therefore, when a network service provider wishes to bid on a specific search listing display method for a keyword, the network service provider must bid a value higher than or equal to the lowest **limit** bidding price. Thus, the presently claimed invention provides a requirement (that the network service provider's bid must be higher than or equal to the limit) for the network information provider when the network information service provider decides to bid.

Nowhere in **Goino** is this element of claim 1 taught. The examiner cites [0002] of Goino as anticipating this element of claim 1. However, paragraph [0002] of Goino is entirely different. All that [0002] of Goino states is that a participant offering the best price condition is the successful bidder. This does not teach in any way the above element of claim 1. In fact, Goino provides no lower limit on bidding whatsoever. Goino states that a participant (buyer) that offers the highest price to a seller is considered the

successful bidder. There is **no** lower limit above which the buyer of Goino must bid in order to be considered successful.

Goino also mentions a counter-auction, wherein a participant (**seller**) that offers the lowest price for a buyer is the successful bidder. This means that when a buyer wishes to buy a certain item, a plurality of bidders may submit a price, and the buyer can then pick the lowest price as the successful bidder. This is in **no** way a limit that requires the bidder to bid --**higher than or equal to the lowest limit bidding price**-- In other words, the lowest price that the seller offers is the **bid itself** which is **received** from the bidder; whereas, in the **presently claimed invention** the lowest **limit** bidding price is a **limitation** on the bid (i.e. the network information provider must bid --higher than or equal to the lowest limit bidding price--).

Additionally, claim 1 requires that the lowest limit bidding price be **determined** according to one of --a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword--. **Goino** teaches none of these. In fact, as stated above, Goino does not mention determining a limit on a bidding price. And Goino definitely does not mention determining a **limit** based on the above described number of page views for each keyword, etc.

At least for this reason, Goino does not teach or even remotely suggest the present invention of claim 1. Singh also does not teach this element of claim 1, the reasons for which are described below for claim 9.

Additionally, Goino does not teach: receiving --tender conditions including the keyword and a predetermined search listing display method--, determining a successful

bid based on the tender conditions, and arranging --at least one portion of the search

listing --according to the predetermined search listing display methods of the successful

bids--. In the presently claimed invention, tender conditions, which include a keyword

and a predetermined search listing display method, are received from the network

information providers. A search listing display method is a way in which a listing is

arranged on a search result web page. For example, the search listing display method

is for determining a form of display and ranking of a search list order (described above).

The forms of display and ranking are shown in FIGS. 1a and 1b. As such, when the

tender conditions are received, information on how the search listing is going to be

displayed is being received, hence the name search listing display method.

Also, claim 1 recites that the successful bid is determined based on these tender

conditions, i.e. the successful bid is determined based on the keyword, the search

display method, and the bidding price. That is, the network information provider may

bid on the arrangement in which his search listing is displayed on the screen (i.e. the

search listing display method). The winning bidder is then chosen based on the search

listing display method (arrangement in which the search listing is displayed) and how

much the network information provider bid. Additionally, a portion of the search listing is

arranged --according to the predetermined search listing display methods of the

successful bids--. In other words, the search listings of the successful bidders are

arranged in the search listing display method specified by the network information

providers who submitted the successful bids.

Goino does not teach this element of the claim. The bid condition data D3 and

D4 is shown in FIGS. 6 and 8 of Goino. D3 and D4 are not in anyway --keywords-- as

defined by the present invention, nor are they the --search listing method-- of the

present invention. Instead, this data is bid condition data. The condition data D3 and

D4 is related to the time slide scheme, the price slide scheme, and narrow down

condition data. The time slide scheme is shown in FIGS. 7a-7d, and has nothing to do

with --a search listing display method--. The time slide scheme determines a successful

bid based on how close a bid is to a designated time. The price slide scheme can set

different prices at different intervals of time (Goino [0127]), and also has nothing to do

with the --search listing display method-- of the presently claimed invention. Narrow-

down conditions are described in [0126] of Giono, and also have nothing to do with a --

search listing display method--.

Additionally, Giono does not teach determining successful bids based on the

tender conditions, since Giono teaches neither the search listing display method of the

presently claimed invention nor the keywords of the presently claimed invention.

The presently claimed invention also recites that a portion of the search listings is

arranged --according to the predetermined search listing display methods of the

successful bids--. Giono does not give its bidders the option of selecting an

arrangement of a search listing on a web page, and as such does not teach this

element of the claim.

Singh also never teaches or even remotely suggests this aspect of the present

invention.

Accordingly, Giono nor Singh, considered individually or in combination, teaches

or suggests the present invention of claim 1, at least for the reasons stated above. An

indication of allowable subject matter with respect to claim 1 is respectfully requested.

As to claims 2-6, the applicants respectfully submit that these claims are allowable, at least since they depend from claim 1, which is now considered to be in condition for allowance for the reasons above.

In the office action (page 2) **Claims 9-15, 17-19, 21-23 and 26-27** stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Publication No. 2002/0166849 (Singh). ///

The applicants respectfully **disagree.**

As to claim 9, the applicants respectfully submit that Singh does not teach all the elements of claim 9. Claim 9 specifically recites:

> -- determining the lowest **limit** bidding price for each of a plurality of keywords, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword--

Singh does not teach this element of claim 9. As discussed above, this element teaches determining the lowest **limit** at which a bid may be placed (i.e. determining the limit that all bids must be higher than). When the lowest **limit** bidding price is determined, the tender for only a bidding price **over** the lowest limit bidding price can be performed (specification page 12, lines 22-25). Claim 9 also specifically recites that the lowest limit bidding priced is **determined** by one of a number of page views for each keyword (e.g. how often a page is viewed when a keyword is input), a basic unit price

per one page view (e.g. a multiplication of page views by a basic unit price per page

view), and a weight associated with a preference for the keyword. This limit is

determined by one of the above described measurements, and then, as claim 9 recites,

bidding prices are received which are –higher than or equal to the lowest limit bidding

price--.

Therefore, when a network service provider wishes to bid on a specific search

listing display method of a keyword, the network service provider must bid a value

higher than or equal to the lowest limit bidding price. Thus, the presently claimed

invention provides a requirement (that the network service provider's bid must be higher

than or equal to the limit) for the network information provider when the network

information service provider decides to bid.

Nowhere in Singh is this element taught. In fact, Singh does not teach this

element for reasons that are very similar to those discussed above for Goino. Singh

[0234] teaches only the gathering of search listing and the ranking of search listing

according to the amount of the bid. However, Singh never mentions determining the

lowest limit bidding price. Singh only mentions receiving the actual bids and ranking

the actual bids. Singh does **not** mention a lowest **limit** bidding price (the lowest limit

bidding price is **not** an actual bid), nor does Singh mention that the bids were required

to be --higher than or equal to the lowest limit bidding price--.

Additionally, as described above, Singh does **not** teach that the lowest limit

bidding price is to be **determined** according to one of --a number of page views for

each keyword, a basic unit price per one page view and a weight associated with a

preference for the each keyword--. Singh only mentions the ranking of bids (which are

in no way a lowest **limit** bidding price) according to the amount of the bid.

At least for this reason, Singh does not anticipate the present invention of claim 9.

Additionally, Singh does not teach:

> --selecting a successful bidder among a plurality of network information providers associated with the keywords according to a predetermined criterion associated with the bidding prices after a tender period of time expires, wherein the tender period of time is a period of time in which the bidding prices are accepted --

Singh does not teach a tender period of time wherein bids are accepted along with other elements of claim 9. The examiner cites [0064]-[0069] in Singh as teaching this element of the claim. However, this is not the case. Singh relates to an automated advertiser notification system. In Singh, an advertiser can specify conditions the advertiser cares about, and the system privides an automated agent that acts on behalf of the advertiser to constantly check on the conditions (Singh [0033]). The notification conditions of Singh are described in [0041]-[0050]. The examiner cites the cost condition in [0064]-[0069] of Singh. The time interval spoken of in [0064] is a time interval in which a cost condition monitors the CPC (i.e. the amount that the advertiser pays if a user clicks on the listing) during this time interval. However, there are no bids accepted during this time interval. This time interval (in Singh) is to monitor an **already existing** listing, and is not in any way a period of time wherein bidding prices are accepted.

Accordingly, at least for the reasons stated above, Singh does not anticipate the present invention of claim 9. An indication of allowable subject matter with respect to claim 9 is respectfully requested.

As to claims 10-15, 17-19, and 21-23, the applicants respectfully submit that these claims are allowable, at least since they depend from claim 9, which is now considered to be in condition for allowance for the reasons above.

As to claim 26, the applicants respectfully submit that Singh does **not** anticipate claim 26. Claim 26 also recites:

> – determining the lowest **limit** bidding price for each of a plurality of keywords, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword--

As such, the applicants would like to resubmit the argument for claim 9 corresponding to this element of claim 26. As described above, Singh does not teach the lowest limit bidding price nor determining the lowest limit bidding price.

Additionally, Singh does not teach --generating search listing in real time-- nor does Singh teach --selecting a successful bidder among a plurality of network information providers that provided confirmation inputs--. In the presently claimed invention, network information providers send the web page titles, etc.; and a search listing is generated **in real time** so that the network information provider can confirm (or correct) the search listing. In the presently claimed invention, a successful bidder is

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selected among the network information providers that provided confirmation inputs.

This is not the case in Singh. Singh [0015] lines 15-19 only describes advertisers selecting and bidding on keywords, and has nothing to do with --generating search listings in real time-- and --offering-- them --to the network service providers--.

Additionally, Singh does not teach --receiving confirmation inputs of the network providers--. In Singh, the referral is not in any way a confirmation input. The referral is merely a consumer getting referred to the advertiser's web site through the search result list. In contradistinction, the confirmation input of the presently claimed invention is a confirmation, and it is received from the network information providers.

Accordingly, at least for these reasons, Singh does not anticipate the present invention of claim 26. An indication of allowable subject matter with respect to claim 26 is respectfully requested.

As to claim 27, the applicants respectfully submit that this claim is allowable, at least since it depends from claim 26, which is now considered to be in condition for allowance for the reasons stated above.

In the office action (page 17), claims 28-30 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Publication No. 2001/0056396 (Goino).

The applicants respectfully **disagree.**

As to claim 28, the applicants respectfully submit that Goino does not anticipate this claim. Once again, claim 28 includes the limitation:

-- determining the lowest **limit** bidding price for each of a plurality of

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keywords, the lowest limit bidding price being determined in consideration

of at least one of a number of page views for each keyword, a basic unit

price per one page view and a weight associated with a preference for the

each keyword—

Giono does not teach this element of claim 28 for the same reasons Giono does

not teach the same element in claim 1. Therefore, the applicants would like to resubmit

the arguments corresponding to this element made for claim 1.

Additionally, Giono does not teach generating search listing in real time, nor does

Giono teach —receiving a confirmation input of the successful bidder for the generated

search listing--. The priority list of Giono is not the same as the generated search

listing, and the priority list does not include a web page title, the web page description

and the image file.

Also, Giono does not teach receiving a confirmation input **of the successful**

bidder. Instead, in Giono, the bidder is **selected** as a successful bidder. The

successful bidder of Giono does **not** send a confirmation.

As to claim 29, the applicants respectfully submit that this claim is allowable at

least since it depends from claim 28, which is now considered to be in condition for

allowance for the reasons above.

As to claim 30, the applicants respectfully submit that Goino does not anticipate

claim 30.

As stated in claim 1, Goino does not teach tender conditions including keywords

and search listing display methods, nor does Goino teach the lowest limit bidding price.
As such, the applicants would like to resubmit the corresponding arguments made in
claim 1.

Accordingly, at least for these reasons, Goino does not anticipate the present
invention of claim 30. An indication of allowable subject matter with respect to claim 30
is respectfully requested.

As to claim 31, the applicants respectfully submit that this claim is allowable at
least since it depends from claim 30, which is now considered to be in condition for
allowance for the reasons above.

Claims 7-8 stand rejected under 35 U.S.C. § 103(a) as being obvious over Goino
in view of Singh and further in view of U.S. Publication No. 2004/0193489 (Boyd).
Claims 16 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Singh
in view of Boyd. **Claims 24 and 25** stand rejected under 35 U.S.C. § 103(a) as being
obvious over Singh in view of U.S. Publication No. 2001/0039524 (Harrison).

The applicants respectfully submit that these claims are allowable, at least since
they depend from either claim 1 or claim 9, which are now considered to be in condition
for allowance for the reasons above.

For the reasons set forth above, the applicants respectfully submit that claims 1-
17 and 19-31, now pending in this application, are in condition for allowance over the
cited references. Accordingly, the applicants respectfully request reconsideration and
withdrawal of the outstanding rejections and earnestly solicit an indication of allowable
subject matter. This amendment is considered to be responsive to all points raised in

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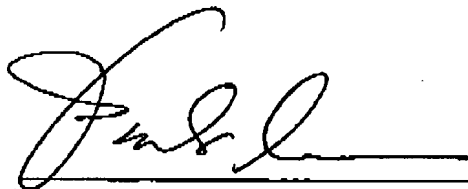Reply to Final Office Action of September 18, 2007   Docket No. CU-4238

the office action. Should the examiner have any remaining questions or concerns, the

examiner is encouraged to contact the undersigned attorney by telephone to

expeditiously resolve such concerns.

    When issuance of a Notice of Allowance is proper in the next action, the

examiner is authorized to cancel the withdrawn claims, for which the applicant reserves

the right to file a divisional application. Should the examiner have any remaining

questions or concerns, the examiner is encouraged to contact the undersigned attorney

by telephone to expeditiously resolve such concerns.

                                    Respectfully submitted,

Dated: _Dec. 7, 2007_

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